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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
PAN, YUWEN	

ART UNIT	PAPER NUMBER
2618	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/651,428	XIE, FEI	
	Examiner	Art Unit	
	YUWEN PAN	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on 27 February 2009.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-7, 9 and 13-20 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Response to Arguments

1. Applicant's arguments, see applicant's remarks, filed on 2/27/09, with respect to the rejection(s) of claim(s) 1-7, 9 and 13-20 under 35 USC 103 (a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Hull et al (US006720863B2, hereinafter "Hull").

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-7, 9, and 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suso in view of Judge (US006718298B1), Hull and Ise (JP 62167645 A, hereinafter Ise).

Per claim 1, Suso discloses a method in a mobile set (see figure 6) for selecting data to be stored, comprising: displaying a plurality of recording modes, each of the plurality of recording modes recording a different set of data frame (see column 6 and lines 29-42); choosing one of the displayed plurality of recording modes (e.g. image recording mode); and enabling user have video conference as long both side has a television telephone (see column 8 and lines 12-18), subsequently there would be voice signal and video signal from both size to be output from one size of user television phone (see figure 8b).

Suso does not expressly teach the voice and video signal are in form of frames. Hull teaches organizing message such as text or voice into frames (see figure 3, see column 7 and lines 32-48). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Hull with Suso to processing conversation data both voice and frame into frames for easily storing and processing.

Combination of Suso and Hull does not expressly teach that the displaying of a plurality of recording modes is during a phone call, and is able to record the set of data frame video conference and the downlink video signal is recorded at the mobile set when the downlink voice signal is determined to have voice activity and in which the uplink video signal is recorded at the mobile set when the uplink voice signal is determined to have voice activity. Judge teaches that a mobile set is able to record conversation (see column 1 and lines 15-23) and provide recording modes to record different set of data frames during phone call (see column 5 and lines 39-54). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Judge with Suso and Hull's device to enable the user of the mobile set with videophone capability to record video conference call during a video phone call with different recording modes. Ise teaches that video would not be recorded if the detection of sound level is below certain level (see abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the references to reduce the size of recorded data fames.

Per claim 2, Suso further teaches providing a confirmation signal after choosing the recording frame mode (see figure 7 and column 5, lines 15-19) and Judge further teaches time

stamping frames (speech frames) of the downlink voice signal and frames of the uplink voice signal so that the frames of the downlink voice signal and the frames of the uplink voice signal can be paired (synchronized) according to their time stamps and recorded as a single data stream (see column 4 and lines 7 and 8, column 5 and lines 38-54).

Per claims 3 and 4, Judge discloses a method in a mobile set for replaying recorded conversations (see column 1 and lines 15-25), comprising: the recorded conversations including uplink (outgoing) data frames transmitted from the mobile set to a second device during a phone call, and downlink (incoming) data frames transmitted, from the second device to the mobile set during the phone call, wherein the uplink and downlink data frames are selectively recorded based on data content analysis performed by the mobile set_of each uplink and downlink data frame (see column 4 and lines 38-62, column 5 and lines 48-55), and in response to selection of the displayed line (when user selects playback), replaying a recorded conversation (see column 4 and lines 38-62). Judge does not teaches that the recorded conversation including both video and audio frames from both side of conversation, wherein a uplink data frame and the downlink data frames are selectively recorded based on data content analysis, performed by the mobile set, of each uplink data frame and each downlink data frame, wherein the uplink video frames are recorded when the uplink voice signal frames are determined to have voice activity, wherein the downlink video signal frames are recorded when the downlink voice signal frames are determined to have voice activity.

Suso teaches that a mobile phone set is able to support conference call between two end (see figure 8(b), column 7 and lines 10-35). It would have been obvious to one of ordinary skill

in the art at the time the invention was made to combine the teaching of Suso with Judge's device to record conversation not only audio signal but also video signal when the phone is capable of conference call with motion pictures.

Ise teaches recording video based on the sound level detection means (see abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Ise with the combination of Suso and Judge’s mobile set to reduce the size of recorded data fames by stop record video frames from both uplink and downlink stream if the sound level of the corresponding audio frames is belong certain threshold.

Per claim 5, Suso further teaches that the displaying of a list of data structures (memo) can be accessed during a real time subscriber conversation using the mobile set without interfering in the communication between the subscriber and a base station (see column 8 and lines 28-34).

Per claim 6, Suso further teaches that a part of a previously recorded conversation may be transmitted through the uplink signal (see column 8 and lines 28-34).

Per claim 7, combination of Judge and Suso further teaches the recorded set of data frames comprises speech data and video data transmitted by the mobile set to the second device during the phone call, and the second device comprises a second mobile set (see column 8 and lines 24-35 of Suso).

Per claim 9, Hull further teaches that the recorded set of data frames comprises text messaging between the mobile set and the second device during the phone call (see column 7 and lines 32-48).

Same arguments apply, *mutatis mutandis*, to claim 14, and 16.

Per claim 18, Ise further teaches data content analysis includes a determination of data content level. (abstract).

Per claim 19, Ise further teaches that data content analysis includes a determination of voice activity (abstract).

Same arguments apply, *mutatis mutandis*, to claim 20.

Per claim 13, combination of Judge and Suso further stamping frames (speech frames) of the downlink voice signal and frames of the uplink voice signal so that the frames of the downlink voice signal and the frames of the uplink voice signal can be paired (synchronized) according to their time stamps and recorded as a single data stream (see column 4 and lines 7 and 8, column 5 and lines 38-54). Combination of Judge and Suso does not teach the time stamping of text message. Hull teaches time stamping text message (see figure 3 and column 7 and lines 32-48). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have this feature to provide addition information to the user when the user is reviewing the text message.

Same arguments apply, *mutatis mutandis*, 15 and 17.

3. Claim 8, 10-12 rejected under 35 U.S.C. 103(a) as being unpatentable over Judge, Suso and Ise as applied to claims 1, 3, and 4 above, and further in view of Bruno et al (WO 97/01932).

Per claim 8, Suso further teaches that the recorded set of data frames comprises speech data and video data received by the mobile set from the second device during the phone call (see column 8 and lines 22-34). Suso does not teaches that the data frames are connected into a single data stream in which identity and source information is preserved for each of the downlink signals and uplink signals for video conference calls. Bruno teaches does not teaches that the data frames are connected into a single data stream in which identity and source information is preserved for each of the downlink signals and uplink signals for video conference calls (see page 7 and lines 4-15). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the references to form a data structure that is able to be recorded by the mobile set during phone call.

Same arguments apply, *mutatis mutandis*, to claims 10, 11, and 12.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YUWEN PAN whose telephone number is (571)272-7855. The examiner can normally be reached on 8-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yuwen Pan/
Primary Examiner, Art Unit 2618